

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LORENA MACIAS,

Plaintiff,

v.

UNITED OF OMAHA LIFE
INSURANCE COMPANY,

Defendant,

Case No. 1:21-cv-01028-AWI-EPG

SCHEDULING CONFERENCE ORDER

Deadline to Serve
Administrative Record: October 15, 2021

Deadline to File
Administrative Record: November 19, 2021

Non-Expert Discovery
Cutoff: March 31, 2022

Opening Briefs: June 3, 2022

Responding Briefs: July 1, 2022

Proposed Findings of
Fact and Conclusions of
Law: July 29, 2022

Pre-Trial Conference
and Trial: Not Set

This Court conducted an Initial Scheduling Conference on February 3, 2021. Raquel Busani appeared telephonically on behalf of Plaintiff Lorena Macias ("Plaintiff"). Martin Rosen appeared telephonically on behalf of Defendant United of Omaha Life Insurance Company ("Defendant"). Pursuant to Fed. R. Civ. P. 16(b), this Court sets a schedule for this action.

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1 **I. Administrative Record**

2 Defendant will serve Plaintiff with the administrative record by **October 15, 2021**.

3 Defendant will file the administrative record with the Court by **November 19, 2021**.

4 **II. Non-Expert Discovery**

5 All non-expert discovery shall be completed no later than **March 31, 2022**.

6 **III. Pretrial Motions**

7 ***A. Dispositive Motion Briefing Schedule***

8 The parties have requested that the Court set a briefing schedule for cross-motions for
9 judgment under Federal Rules of Civil Procedure 52 and 56, with simultaneous opening briefs,
10 responsive briefs, and proposed findings of fact and conclusions of law. Opening briefs shall be
11 filed by **June 3, 2022**. Responding briefs shall be filed by **July 1, 2022**. Proposed findings of fact
12 and conclusions of law shall be filed by **July 29, 2022**.

13 All dispositive motions, including the parties' cross-motions for judgment, will be set
14 before Senior United States District Judge Anthony W. Ishii. Judge Ishii will advise the parties if
15 a hearing on the cross-motions for judgment is required after reviewing the briefing. In light of
16 the briefing schedule, Pre-Trial Conference and trial dates will not be set at this time.

17 Given the nature of this case, the parties are not required to submit a joint statement of
18 undisputed facts when filing their cross-motions for judgment. However, prior to filing such
19 motion, the parties are ordered to meet, in person or by telephone, and discuss the issues to be
20 raised in the motion(s) to discuss whether issues can be resolved or narrowed without the
21 necessity of briefing and explore the possibility of settlement before the parties incur the expense
22 of further briefing.

23 ***B. General Information Regarding Filing Motions***

24 The parties are advised that unless prior leave of the Court is obtained before the filing
25 deadline,¹ all moving and opposition briefs or legal memoranda, including joint statements of
26 discovery disputes, filed in civil cases before Magistrate Judge Grosjean, shall not exceed twenty-
27 five (25) pages. Reply briefs by the moving party shall not exceed ten (10) pages. These page

28 ¹ Parties may seek leave through a telephonic conference among all parties and the Court, or by short motion.

limits do not include exhibits. When scheduling motions (other than discovery motions) the parties shall comply with Local Rule 230.

Counsel or *pro se* parties may appear and argue motions by telephone, provided a request to so do is made to Michelle Rooney, Magistrate Judge Grosjean's Courtroom Deputy (unless prior permission has been given by the judge), no later than five (5) court days before the noticed hearing date. Requests can be made by emailing Ms. Rooney at mrooney@caed.uscourts.gov. If the parties are appearing telephonically, each party shall dial 1 (888) 251-2909 and enter access code 1024453.

1. Informal Discovery Conference

In order to file a discovery motion pursuant to Fed. R. Civ. P. 37 or 45, a party must receive permission from the Court following an informal telephone conference. Non-parties challenging a subpoena under Fed. R. Civ. P. 45 are not required to request an informal conference before filing a motion. A party wishing to schedule such a conference should contact chambers to receive available dates. The Court will schedule the conference as soon as possible, taking into consideration the urgency of the issue.

Prior to the conference, the parties shall simultaneously file an Informal Discovery Dispute Letter Brief, outlining their positions regarding the dispute. Such briefs shall be no longer than three pages single-spaced, and may include up to five pages of exhibits. The parties are also directed to email their briefs to epgorders@caed.uscourts.gov. The Court will provide the date and time the Letter Briefs are due at the time the conference is scheduled.

At the time of conference, the parties shall dial 1 (888) 251-2909 and enter access code 1024453. The Court will not issue a formal ruling at that time. Nevertheless, the Court will attempt to provide guidance to the parties to narrow or dispose of the dispute. If no resolution can be reached without formal motion practice, the Court will authorize the filing of a formal discovery motion.

2. Discovery Motions

If a motion is brought pursuant to Fed. R. Civ. P. 37 or 45, after receiving permission from the Court, the parties must prepare and file a Joint Statement re: Discovery Disagreement

1 (“Joint Statement”) as required by Local Rule 251.² In scheduling such motions, Magistrate Judge
2 Grosjean may grant applications for an order shortening time pursuant to Local Rule 144(e). If a
3 party does not obtain an order shortening time, the notice of motion must comply with Local Rule
4 251.

5 A Joint Statement, not to exceed twenty-five (25) pages, must be filed seven (7) calendar
6 days before the scheduled hearing date. Prior to the filing of the Joint Statement, the parties must
7 meet and confer as set forth in Local Rule 251(b). In addition to filing the Joint Statement
8 electronically, a copy of the Joint Statement in Word format must be sent to Magistrate Judge
9 Grosjean’s chambers via email to epgorders@caed.uscourts.gov. Courtesy copies for any
10 pleading in excess of twenty-five pages (25) (including exhibits) shall also be delivered to
11 chambers via US mail, or hand delivery, at the time the Joint Statement is electronically filed.
12 Motions may be removed from the Court’s calendar if the Joint Statement is not timely filed, or if
13 courtesy copies are not timely delivered.

14 **IV. Settlement Conference**

15 A settlement conference has not been scheduled at this time. If the parties determine that a
16 settlement conference would be fruitful, they may request one by jointly contacting Magistrate
17 Judge Grosjean’s Courtroom Deputy, Ms. Rooney, at mrooney@caed.uscourts.gov.

18 **V. Effect of This Order**

19 This order represents the Court and the parties’ best estimated schedule to complete this
20 case. Any party unable to comply with the dates outlined in this order shall immediately file an
21 appropriate motion or stipulation identifying the requested modification(s).

22 *The dates set in this Order are considered to be firm and will not be modified absent a*
23 *showing of good cause, even if a stipulation to modify is filed.* Stipulations extending the
24 deadlines contained herein will not be considered unless they are accompanied by affidavits or
25 declarations with attached exhibits, where appropriate, that establish good cause for granting the
26 requested relief. Due to the impacted nature of the civil case docket, this Court disfavors requests
27 to modify established dates.

28 ² Certain limited exceptions from filing the required Joint Statement are outlined in Local Rule 251(e).

1 Failure to comply with this order shall result in the imposition of sanctions.

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3 IT IS SO ORDERED.

4 Dated: September 30, 2021

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE